

REMARKS

Claims 1-3, 7, and 8 have been amended to correct typographical errors and to incorporate language more conventional in U.S. patent practice. Claim 6 has been canceled. No new matter has been added.

The Examiner has required restriction of the present claims, alleging that Groups I-XXX do not relate to a single general inventive concept under 35 U.S.C. § 121 or PCT Rule 13.1. Specifically, restriction is required among the Markush groups defining “Het” of the compounds of Formula (I). The Applicants traverse the restriction because it is improper under 35 U.S.C. § 121 and PCT Rule 13.1.

The restriction requirement relies on the allegation that Compound 279 (Table 4) of WO 02/066484 anticipates the present invention. The Applicants disagree. The moiety corresponding to “Het” in Compound 279 is *dihydrofuranyl*. The present invention does not recite dihydrofuranyl within the definition of Het; rather, an unsaturated *furanyl* moiety is recited. The present invention is thus not anticipated by WO 02/066484; therefore, restriction is unwarranted.

In Markush practice, unity of invention is met when (A) all alternatives have a common property or activity and (B) a common structure is present or alternative belong to a recognized class of chemical compounds. The Applicants submit that these requirements are fulfilled by the present invention. Reconsideration and withdrawal of the restriction requirement is earnestly solicited.

The Applicants acknowledge that even though restriction is unwarranted, an election is required in order for the Response to be considered fully responsive to the pending Office Action. The Applicants, therefore, elect Group I, wherein Het is pyridinyl. To the extent the restriction requirement requires election of a specific species, Applicants elect Compound 20, the general structure of which is indicated in Table 1, page 39, of the application. It is the Applicants’ understanding that the election is being made to aid the Examiner in conducting a search and examination of the claimed subject matter and is not to be construed as limiting the scope of the claims. It is also the Applicants’ understanding that if the elected subject matter is found allowable over the prior art, the search and examination will be expanded to cover other species, until it includes the full scope of the generic claims of the invention.

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PATENT

Pursuant to MPEP § 821.04, upon a determination of allowability of the product claims, the Applicants request rejoinder of all method claims that depend from or otherwise require all the limitations of an allowable product claim. Pending claims 1-5, 7-10, and 13 read on the elected species.

The Applicants submit that the foregoing constitutes a complete and full response to the pending Office Action. Accordingly, an early and favorable Action on the merits is respectfully requested.

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